

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1-10 are pending in the application. Claims 1-10 are amended. Support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and therefore no new matter is added.

In the Office Action the disclosure is objected to because of informalities. In response the specification is amended to include a Brief Description of the Drawing section. It is therefore requested that the objection to the specification be withdrawn.

Claims 3-10 are objected to under 37 C.F.R. § 1.75(c) as being in improper form. In response the claims are amended such that multiple dependent claims do not depend from other multiple dependent claims, and such that the sole remaining multiple dependent claim only refers to other claims in the alternative. It therefore requested that the objection to claims 3-10 be withdrawn, and that the claims be examined on the merits.

Claims 1 and 2 are rejected under 35 U.S.C. § 112, second paragraph. In response, the claims are amended to remove the terms in parentheses, in accordance with the Examiner's helpful suggestions. Claim 1 is also amended to recite "removing a liquid phase including the CO<sub>2</sub> and the oily fraction from the cuttings," and to remove the recitation of "possible." It is therefore requested that the rejection of claims 1 and 2 be withdrawn.

Claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1 and 2 of co-pending application no. 10/736,737. In response, submitted herewith is a terminal disclaimer. It is therefore requested that the rejection be withdrawn.

Claims 1 and 2 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 2002/0144717 to Tunnicliffe et al. (Tunnicliffe). It is requested that

the rejection of the claims be withdrawn, and that the claims be allowed, for the following reasons.

The present invention is directed to a method for decontamination of oily cuttings, coming from drilling oil wells, and recovery of an oily component. Specifically, independent claim 1 recites mixing the cuttings with CO<sub>2</sub> in a liquid state at a pressure ranging from 45 to 70 bar and a temperature corresponding to a saturation value, to dissolve an oily fraction of the cuttings.

The claimed invention can provide numerous advantages. By way of specific examples, because the carbon dioxide is maintained at a pressure from 45 to 70 bar, the carbon dioxide is prevented from being in a gaseous state under critical or supercritical conditions. Handling and use of the carbon dioxide in the oil recovery process is greatly simplified by providing the carbon dioxide in a liquid state.

As discussed in paragraph [0039] of Tunnicliffe, hydrocarbon-containing materials are cleaned by a cleaning solvent under critical and supercritical conditions. As shown in the Table after paragraph [0037] of Tunnicliffe, the critical pressure of carbon dioxide is 7.375 MPa, which is 73.75 bar. Therefore Tunnicliffe does not disclose or render obvious the above discussed features recited in independent claim 1. Further, Tunnicliffe does not provide the advantages provided by the claimed invention.

For the above reasons it is requested that the rejection of independent claim 1 be withdrawn, and that the independent claim be allowed.

Claims 2-10 are allowable for the same reasons as independent claim 1 from which they depend, as well as for their own features. The allowance of dependent claims 2-10 is therefore requested.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in

Application No. 10/736,743  
Reply to Office Action of October 11, 2005

condition for formal Allowance. A Notice of Allowance for Claims 1-10 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Philip J. Hoffmann  
Registration No. 46,340

I:\ATTY\PH\24s\246669US\246669US AMENDMENT 12.8.05.DOC